

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

STEPHEN McCOLLUM, and SANDRA	§	
McCOLLUM, individually, and STEPHANIE	§	
KINGREY, individually and as independent	§	
administrator of the Estate of LARRY GENE	§	
McCOLLUM,	§	
PLAINTIFFS	§	
	§	
v.	§	CIVIL ACTION NO.
	§	4:14-cv-3253
	§	JURY DEMAND
BRAD LIVINGSTON, JEFF PRINGLE,	§	
RICHARD CLARK, KAREN TATE,	§	
SANDREA SANDERS, ROBERT EASON, the	§	
UNIVERSITY OF TEXAS MEDICAL	§	
BRANCH and the TEXAS DEPARTMENT OF	§	
CRIMINAL JUSTICE.	§	
DEFENDANTS	§	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE SUR-REPLY IN OPPOSITION TO  
UTMB'S MOTION FOR SUMMARY JUDGMENT**

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Plaintiffs respectfully request leave of Court to file a brief sur-reply, attached, in opposition to UTMB's motion for summary judgment. *See* Doc. 285 (motion); Doc. 315 (reply).

UTMB raises two new issues:

- 1) the pleading standard for disabilities and accommodations in ADA/Rehabilitation Act claims, Doc. 315, pp. 1-2, and
- 2) whether Plaintiff Stephanie Kingrey's declaration is contradicted by her deposition testimony, Doc. 315, pp. 15-17.

As these positions were not raised in the motion and—in Plaintiffs' view—are not supported by authority, they could not be anticipated in Plaintiffs' response. Accordingly, Plaintiffs respectfully request leave to file the attached sur-reply and its exhibit.

Dated: November 2, 2016.

Respectfully submitted,

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CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Southern District of Texas.

By /s/ Jeff Edwards  
JEFF EDWARDS

CERTIFICATE OF CONFERENCE

By my signature below, I certify that I corresponded with counsel for Defendants yesterday, but received no reply.

By /s/ Scott Medlock  
Scott Medlock